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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHNSON & JOHNSON and JOHNSON &
JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

v.

THE AMERICAN RED CROSS, LEARNING
CURVE INTERNATIONAL, INC., MAGLA
PRODUCTS, LLC, WATER-JEL
TECHNOLOGIES, INC., and FIRST AID
ONLY, INC.,

Defendants.

07 Civ. 7061 (JSR/DCF)

**ATTACHMENT A
TO DECLARATION OF
JONATHAN L. ABRAM**

**ECF CASE
ELECTRONICALLY FILED**

**ATTACHMENT A
TO DECLARATION OF JONATHAN L. ABRAM**

Index to Exhibits in Support of Defendant's Motion for Summary Judgment

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Exhibit 2	Articles of Incorporation, American Association of the Red Cross (July 1, 1881).
Exhibit 3	Excerpt of ARC Governance for the 21st Century, Section 1, Oct. 2006.
Exhibit 4	Trademark Registration No. 30,428.

- Exhibit 5 Letter from Edward Moore, Commissioner of Patents, to Charles Magee, ARC, Oct. 12, 1907.
- Exhibit 6 Letter from ARC Chairman to Edward Moore, Commission of Patents, Oct. 2, 1907.
- Exhibit 7 Letter from ARC Chairman to Edward Moore, Commissioner of Patents, Oct. 16, 1907.
- Exhibit 8 Trademark Record for U.S. Serial No. 89/000,081.
- Exhibit 9 U.S. Reg Nos. 2,740,131 and 2,818,964.
- Exhibit 10 U.S. Registrations for U.S. Reg. Nos. 2,771,239; 2,740,133; 2,797,013; and 2,818,867.
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- Exhibit 12 Consolidated Financial Statements, June 30, 2005, including Independent Auditor's Report signed by the Auditor General of the Army, Oct. 21, 2005.
- Exhibit 13 1903 First aid kit Photograph, listing price of first aid textbook as \$1.00.
- Exhibit 14 Excerpt of ARC Annual Report for the Year Ending December 31, 1903.
- Exhibit 15 Excerpt of ARC Annual Report for the Year Ending December 31, 1904.
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- Exhibit 17 First Aid Supply Catalog of ARC First aid kits.
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Exhibit 22	Memorandum on Future Policy of the First Aid Department, 1911.
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- Exhibit 50 1937 First Aid and Life Saving Catalogue of Supplies and Insignia, July 1937.
- Exhibit 51 Photograph of first aid textbooks and caption.
- Exhibit 52 “Red Cross Chapter Elects Officers for Coming Year,” Pajaronian, Mar. 11, 1919.
- Exhibit 53 Summary of Essential Supplies Incidental to the Activities of ARC Distributed Principally Through its Chapters for Fiscal Year 1940-41.
- Exhibit 54 Excerpt of Montgomery County, Ohio Chapter Annual Report for 1938-1939.

- Exhibit 55 Excerpt of Buffalo, New York Chapter Annual Report for 1939-1940.
- Exhibit 56 Excerpt of Cincinnati and Hamilton County, Ohio Chapter Annual Report for 1939-1940.
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- Exhibit 70 Excerpt of Rutherford County, North Carolina Chapter Annual Report for 1958-1959.
- Exhibit 71 Excerpt of Chenango County, New York Chapter Annual Report for 1959-1960.
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- Exhibit 73 Memorandum re: Supplies for Chapters from George Smith, Mar. 29, 1948.
- Exhibit 74 Memorandum from Mr. Wick to ARC Field Office Managers and Division Managers, July 10, 1981.
- Exhibit 75 Excerpt of Deposition of Andrea Morisi.
- Exhibit 76 Excerpt of Mall Service Center Analysis: One Year of Experience, Greater Kansas City Chapter, Aug. 1992.
- Exhibit 77 Brochure on Innovative Service Delivery—The Mall Way, ARC Greater Kansas City Chapter.
- Exhibit 78 Photographs of Red Cross Mall Store.
- Exhibit 79 Excerpt of American Red Cross in Greater New York, New Headquarters, Nov. 14, 2006.
- Exhibit 80 Various news accounts including: “Emergency! Handling trouble on the road,” Consumer Reports, April 1992, 1992 WLNR 111350; “Don’t Let Car Trouble Drive You Crazy,” Miami Herald, Aug. 23, 1986, 1986 WLNR 489975; “Organize First-Aid Supplies to get you Through Scrapes,” Miami Herald, Aug. 30, 1987, 1987 WLNR 631865; “Purge Cabinet of Unneeded,” South Florida Sun-Sentinel, Sept. 2, 1993, 1993 WLNR 4299238; “Earthquakes Hitting Home,” Oregonian, Sept. 22, 1993, 1993 WLNR 4496026; “First Aid Kits Suggested As Gifts,” Roanoke Times, Nov. 16, 1993, 1993 WLNR 1032392; “Health Watch,” Charlotte Observer, June 6, 1994, 1994 WLNR 1734444, “First Aid Kits Reduced,” Cincinnati Post, Dec. 6, 1996, 1996 WLNR 844337; “Red Cross Offers First Aid Kits For Sale,” Fort Pierce Tribune, Nov. 23, 1999, 1999 WLNR 6121260; “Red Cross Offers Gifts That Can Save Lives,” Buffalo News, Dec. 21, 1997, 1997 WLNR 1253000; “Injury Season: Summer’s the Time to Update, Put Together First Aid Material,” Birmingham News, June 9, 2003, 2003 WLNR 15947598.

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- Exhibit 110 Letter from H.S. Mueller, J&J, to W.E. Dorsett, J&J, Aug. 14, 1984.
- Exhibit 111 Letter from Richard Biribauer, Attorney J&J, to Patricia Xeller, Assistant General Counsel ARC, Oct. 18, 1984.
- Exhibit 112 Letter from Lewellys Barker, Senior Vice President at ARC, to Wayne Dorsett, Vice President/General Manager at J&J, Sept. 12, 1984.
- Exhibit 113 Letter from H. Mueller, J&J, to Virginia Pie, ARC, June 12, 1985.
- Exhibit 114 “More Nonprofit Groups Make Imaginative, Aggressive Sales,” Wall Street Journal, May 31, 1984.
- Exhibit 115 Memorandum from John Healey, J&J, Re: Meeting on First Aid Kit Opportunities with American Red Cross, Feb. 3, 1997 [FILED UNDER SEAL].
- Exhibit 116 ARC/Johnson & Johnson First Aid Kits materials.

- Exhibit 117 Memorandum to Susan Livingston, Jan. 3, 1997.
- Exhibit 118 Memorandum from Julio Del Cioppo, J&J, to John Healey, J&J, Re: J&J First Aid Kit—American Red Cross Study, Jan. 30, 1997 [FILED UNDER SEAL].
- Exhibit 119 Letter from John Healey, J&J, to Ferris Kaplan, ARC, Feb. 27, 1997.
- Exhibit 120 Letter from John Healey, J&J, to Ferris Kaplan, ARC, May 7, 1997.
- Exhibit 121 Letter from Peter Garibaldi, Jr., J&J, to Ferris Kaplan enclosing marked up version of J&J/ARC First Aid Kit Contract, Aug. 15, 1997.
- Exhibit 122 Confidential Disclosure Statement, Nov. 14, 2006 [FILED UNDER SEAL].
- Exhibit 123 Excerpt of Deposition of Jeffrey Tolonen.
- Exhibit 124 J&J/ARC Partnership Update, Jan. 2007. [FILED UNDER SEAL]
- Exhibit 125 Hearings Before the Subcommittee on Oversight of the Committee on Ways and Means, 100th Cong. 1068 (1987).
- Exhibit 126 Blood Safety, Minimizing Plasma Product Risks: Hearing Before the Subcomm. on Human Resources of the H. Comm. on Gov't Reform and Oversight, 105th Cong. 111-118 (1998).
- Exhibit 127 FDA Oversight: Blood Safety and the Implications of Pool Sizes in the Manufacture of Plasma Derivatives: Hearing Before the Subcomm. on Human Resources of the H. Comm. on Gov't Reform and Oversight, 105th Cong. 136-144 (1997)
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